

**TOWN COUNCIL**

September 11, 2019

TO: Matthew W. Hart, Town Manager

FROM: Essie S. Labrot, Town Clerk/Council Clerk

*Essie S. Labrot*

The Town Council at its meeting held on September 10, 2019 referred to Town Plan and Zoning the Suspense Resolution Authorizing the Execution of an Easement in Favor of Gastro Park Holdings LLC.

**WHEREAS**, On September 4, 2019, the Town Plan and Zoning Commission approved Gastro Park Holdings LLC's application for a Special Use Permit to operate a food truck park at 637 New Park Avenue; and

**WHEREAS**, 637 New Park Avenue is not currently served by sanitary sewer, and Gastro Park Holdings LLC has proposed a connection to an existing sewer line that lies three properties to the west; and

**WHEREAS**, one of those properties is identified as 1068 New Britain Avenue and is owned by the Town of West Hartford; and

**WHEREAS**, Gastro Park Holdings LLC has requested an easement from the Town of West Hartford for the purpose of constructing, operating, maintaining and replacing a sanitary sewer line; and

**WHEREAS**, Town Plan and Zoning Commission conditioned its approval upon, among other things, the grant of such an easement from the Town of West Hartford to Gastro Park Holdings LLC; and

**WHEREAS**, the proposed easement across 1068 New Britain Avenue will not adversely affect the Town's property interests,

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT** the Town Manager is hereby authorized to execute an easement in favor of Gastro Park Holdings LLC in substantially the form attached hereto and subject to final review and approval of the Office of Corporation Counsel.

Attachment: Easement

cc: Pat Alair, Corporation Counsel  
Gina Varano, Assistant Corporation Counsel  
Mark McGovern, Director of Community Services  
Todd Dumais, Town Planner  
Kevin Ahern, Chair, Town Plan & Zoning Commission



TOWN OF WEST HARTFORD 50 SOUTH MAIN STREET  
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## **PERMANENT SANITARY SEWER EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS** that the **TOWN OF WEST HARTFORD**, having an office at 50 South Main Street, West Hartford, Connecticut 06107 (hereinafter, "Grantor"), owner of property known as **1068 New Britain Avenue, West Hartford, Connecticut, 06110**, grants to **GASTRO PARK HOLDINGS LLC** of the Town of West Hartford, Connecticut, (hereinafter, "Grantee") owner of property known as 637 New Park Avenue, West Hartford, Connecticut, 06110, and its heirs, executors, administrators, successors, and assigns an easement for the purposes of constructing, operating, maintaining, using, repairing, altering and/or replacing a sanitary sewer line on, over, and under a certain piece or parcel of land being more particularly described in **Schedule A** attached hereto and made a part hereof (referred to as the "Easement Area").

The above described Easement Area is more particularly shown on a plan entitled: "Boundary & Topographic Survey", prepared for GASTRO PARK HOLDINGS LLC, WEST HARTFORD, CONNECTICUT, Paul J. Stowell, P.L.S., Date: August 1, 2019, Rev. August 4, 2019, Rev. August 22, 2019, Scale: 1'=20 feet, Sheet #1 of 8 ("Map"), which Map is on file or to be filed at the office of the West Hartford Town Clerk.

The Grantor shall not erect or allow to be erected any structures or perform any work within the Easement Area that may unreasonably interfere with the use and enjoyment of the Easement Area by the Grantee. The Grantor herein reserves the right to itself, its heirs, successors and assigns to continue to use the land within the aforesaid Easement Area for any uses and purposes which shall not in any way unreasonably interfere with the use thereof by the

Grantee, its successors and assigns, in fulfilling the purposes for which this Permanent Sanitary Sewer Easement is granted.

The Grantee covenants to and does hereby defend, indemnify and hold harmless the Grantor from and against all liabilities, resulting from suits, claims, losses, damages, costs, including without limitation reasonable attorney's fees, compensation, penalties, fines, liabilities or judgments of any nature for bodily injury or death, damage and/or destruction of real or personal property caused in whole or in part by any negligent or intentional act, errors or omissions arising out of or related to Grantee's rights and privileges under this Permanent Sanitary Sewer Easement.

The Grantee shall provide the Grantor with insurance coverage during construction of the sanitary sewer line and during any period thereafter in which access to the Easement Area is necessary for the maintenance, repair or replacement of the sanitary sewer line in such amounts and such coverages as the Grantor deems acceptable.

**TO HAVE AND TO HOLD** the above-granted right, privilege, and authority unto the said Grantee and its successors and assigns forever, to it and their own proper use and benefit.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals this \_\_\_\_ day  
of \_\_\_\_\_, 2019.

Signed, sealed and delivered in the presence of:

**GRANTOR**

**TOWN OF WEST HARTFORD**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
By: Matthew W. Hart  
Town Manager

**STATE OF CONNECTICUT     )**

)

ss.

West Hartford \_\_\_\_\_, 2019

**COUNTY OF HARTFORD     )**

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Personally appeared Matthew W. Hart, Town Manager of the Town of West Hartford,  
signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and  
deed, and the free act and deed of the Town of West Hartford, Connecticut, before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

[SIGNATURE PAGE of Gastro Pub Holdings LLC to Permanent Sanitary Sewer Easement]

Signed, sealed and delivered in the presence of:

**GRANTEE**

**GASTRO PARK HOLDINGS LLC**

\_\_\_\_\_  
By: Tate Norden  
President

STATE OF CONNECTICUT     )  
  )  
COUNTY OF HARTFORD     )

ss.

West Hartford \_\_\_\_\_, 2019

Personally appeared Tate Norden, President of Gastro Park Holdings LLC, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said limited liability company, before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **SCHEDULE A**

### **Description of Easement Area 1068 New Britain Avenue, West Hartford, CT**

A portion of the property of the Town of West Hartford depicted as "Easement Area" on a map entitled "Boundary & Topographic Survey", prepared for GASTRO PARK HOLDINGS LLC, WEST HARTFORD, CONNECTICUT, Paul J. Stowell, P.L.S., Date: August 1, 2019, Rev. August 4, 2019, Rev. August 22, 2019, Scale: 1'=20 feet, Sheet #1 of 8 and more particularly bounded and described as follows:

BEGIN AT THE SOUTHWEST CORNER OF ADDRESS NUMBER 635A NEW PARK AVENUE, BEING THE NORTHWEST CORNER OF ADDRESS NUMBER 1068 NEW BRITAIN AVENUE;  
THENCE SOUTH 80 DEGREES 28 MINUTES 9 SECONDS EAST ALONG THE NORTH LINE OF SAID ADDRESS NUMBER 1068 NEW BRITAIN AVENUE, 24.38 FEET TO A POINT;  
THENCE SOUTH 75 DEGREES 18 MINUTES 48 SECONDS WEST, 26.71 FEET TO THE WEST LINE OF SAID ADDRESS NUMBER 1068 NEW BRITAIN AVENUE;  
THENCE NORTH 9 DEGREES 24 MINUTES 44 SECONDS EAST ALONG SAID WEST LINE, 10.95' TO THE POINT OF BEGINNING.

An area comprising .003 acres and 133.56 square feet.